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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,037	12/29/2000	Frank Liebenow	450.317US1	8768
24333	7590	11/30/2006	EXAMINER LE, KAREN L	
GATEWAY, INC. ATTN: Patent Attorney 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/752,037	LIEBENOW, FRANK	
	Examiner	Art Unit	
	Karen L. Le	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-20,22-37,39-48, and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-20,22-37,39-48, and 50-55 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This action is in response to applicant's response filed on September 13, 2006. Claims 1, 3-20, 22-37, 39-48, and 50-55 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-20, 22-37, 39-48, and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khalid et al. (U. S. 5,828,742) in view of Johnson (U.S. 6,735,292).

Regarding claims 1, 9-11, 20, 22-24, 26, 33, 51-52, and 55 Khalid teaches a method, a computer readable medium, of handling a call from a caller to a communication device, the method comprising:

Receiving the call (Col. 5, lines 45), determining if the communication device is in a privacy operating mode or a normal operating mode (Col. 5, lines 46-47. If the communication device is in the privacy operation mode, completing the call if a privacy mode code is entered by the caller (Col. 5, lines 55-57).

Khalid does not teach if the communication device is in the privacy operating mode, routing the call to a message system if no privacy mode code is entered by the caller. Khalid teaches if the communication device is in the privacy operating mode, and if no privacy mode code is entered by the caller. Some other appropriate action is taken (such as routing the call to a message system) (Col. 4, lines 15-21 and Col. 2, lines 60-63). Johnson teaches do not disturb feature that is used to automatically forward calls to voice mail or a message center (Col. 1, lines 35-40). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Johnson's feature into Khalid's system in order to routing the call to a message system if no privacy mode code is entered by the caller. Current telephone systems provide many options for enhancing the usefulness of the telecommunication system to users and call forwarding can be combined with voice mail in do not disturb feature is one example.

Khadid does not teach if the communication device is in the privacy mode, providing a privacy mode message including a selected privacy override code to the caller. However, Johnson teaches if the communication device is in the privacy mode, providing a privacy mode message including a selected privacy override code to the caller. Johnson teaches forwarding a call to a message center that contains many available messages (Col. 1, lines 35-40) in do not disturb feature. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Johnson's feature into Khalid's

system to provide override code to the caller. A privacy mode message including a selected privacy override code to the caller is simply one of many messages that were installed in the message center. A subscriber can select many choices of message.

Regarding claims 3, 14, 29, and 34, Khalid further teaches the privacy mode is selected by a user of the communication device (Col. 2, lines 57-61).

Regarding claims 6, 8, 17, 19, 40 and 42, Khalid teach receiving a request from the communication device to place the communication device in the privacy and receiving a request from the communication device to place the communication device out of the privacy mode (Fig. 5, item 71)

Regarding claims 7, 12-13, 18, and 41, Khalid teaches the privacy mode code selected by the user of the communication device (Fig. 5, item 71). Khalid does not teach a privacy mode message selected by a user of the communication device and adapted to be provided to the caller prior to completing the call. However, Johnson teaches a privacy mode message selected by a user of the communication device and adapted to be provided to the caller prior to completing the call (Abt. Lines 1-6).

Regarding claims 25, 31-32, 35-37 and 39, Khalid further teaches a system for handling a call from a caller to a user of a communication device comprising:

a data entry device capable of receiving input to cause the communication device to enter a privacy operating mode from a normal operating mode (Fig. 5, item 71), a receiver capable of completing the call to the user if a privacy mode code is entered by the caller, a transmitter capable of completing the call to the user if the communication device is in the privacy mode and the privacy mode code is entered by the caller (Col. 5, lines 55-57 and Fig. 5, item 73 and 74) (Col. 2, lines 35- 44 and lines 60-63).

Khalid does not teach a memory capable of storing a privacy mode message, the privacy mode message including a selected privacy override code adapted to be provided to the caller prior to completing the call to the user. . . However, Johnson teaches a privacy mode message including a selected privacy override code to the caller. Johnson teaches forwarding a call to a message center or voice mail that contains many available messages (Col. 1, lines 35-40) in do not disturb feature. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Johnson's feature into Khalid's system to provide override code to the caller. A privacy mode message including a selected privacy override code to the caller is simply one of many messages that were installed in the message center or voice mail. A subscriber can select many choices of message.

Regarding claim 27, Khalid further teaches the data entry device is a telephone keypad (Fig. 3, item 51).

Regarding claims 28, Khalid further teaches the privacy mode code comprises at least one keystroke from the data entry device (Fig. 4, item 61).

Regarding claims 44, Khalid further teaches if the communication device is in the privacy operating mode, passing the call to a voice messaging system if the privacy mode code is not entered by the caller, the voice messaging system being capable of recording a message spoken by the caller making the call (Col. 2, lines 60-63).

Regarding claims 45-48, Khalid further teaches if the communication device is in the privacy operating mode, blocking completion of the call until the privacy mode code is entered. If the communication device is in the privacy operating mode preventing the communication device from producing an incoming call signal if the privacy mode code is not entered by the caller (Fig 5, item 75).

Regarding claim 50, Khalid further teaches establishing for the communications device a normal operating mode and the privacy operating mode. Normal mode of operation is characterized by producing an incoming call signal upon receipt of the call, and the privacy mode is characterized by producing the incoming call signal only if the caller has entered the privacy mode code (Col. 2, lines 35-44)

Regarding claims 53, Khalid further teaches the step of receiving a spoken command from a user of the communication device to place the communication device in the privacy operating mode (Col. 6, lines 63-67).

Regarding claims 54, Khalid further teaches if the communication device is in the privacy mode, preventing the communication device from producing an incoming call signal if the privacy mode code is not entered by the caller while providing information regarding the incoming call through a display on the communication device (Fig. 4, item 64).

4. Claims 4-5, 15-16, 30, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khalid (U. S. 5,828,742) in view of Johnson (U. S. 6,735,292) and further in view of Patsiokas et al. (U. S. 4,941,203).

Regarding claims 4, 15, 30, and 43, Khalid does not teach communication device is one of a cellular telephone and personal digital assistant. However, Patsiokas teaches communication device is one of a cellular telephone and personal digital assistant (Abstract, lines 1-2). Patsiokas teaches call screening mode in a radio communication system includes a base station and a plurality of remote units. If a caller enters an override code, the system establishes voice communication between the caller and the called remote unit. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Patsiokas' system to Khalid's system to provide privacy mode in a radio system.

Regarding claims 5 and 16, Khalid does not teach the method is performed by one of a base station and a switch. However, Patsiokas teaches

the method is performed by one of a base station and a switch (Col. 1, lines 45-51). Patsiokas teaches call screening mode in a radio communication system includes a base station and a plurality of remote units. If caller enters an override code, the system establishes voice communication between the caller and the called remote unit. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Patsiokas' system to Khalid's system to provide privacy mode that is performed by one of a base station and a switch.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-20, 22-37, 39-48, and 50-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen Le
KLL

November 24, 2006



BING Q. BUI
PRIMARY EXAMINER